



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,496	10/07/2004	Samuele Lolato	66434-015	1551

25269 7590 06/01/2005

DYKEMA GOSSETT PLLC  
FRANKLIN SQUARE, THIRD FLOOR WEST  
1300 I STREET, NW  
WASHINGTON, DC 20005

EXAMINER

PATEL, VINOD D

ART UNIT	PAPER NUMBER
----------	--------------

3742

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/510,496

**Applicant(s)**

LOLATO, SAMUELE

**Examiner**

Vinod D. Patel

**Art Unit**

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 16 is/are rejected.
- 7) ☐ Claim(s) 3-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/7/4 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/7/4</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED OFFICE ACTION**

### **INTRODUCTION**

1. This application/control number 10/510,496 has been examined. This is the first action on the merits of the claimed invention. The application has claims 1-16 pending.

#### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "6" has been used to designate both switch and heating element in Figure 5.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the electrical resistance as claimed in the claim 2 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

Art Unit: 3742

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

4. Claims 3-15 are objected to under 37 CFR 1.75(c) as being in improper form because claim 3 depends on claim 4 and claim 4 depends on claim 3. See MPEP § 608.01(n).

Accordingly, the claims 3-15 have not been further treated on the merits.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies (US2839660).

Davies discloses an adjustable heater (10) comprising a substantially tubular container (11) within which are housed an electrical heating element (110), a switch (Fig. 3, 9) comprising fixed contact (100), and moving contact (101) capable of electrically connecting the said heating element (110) to an outside source (L1, L2) of electrical power, a temperature sensor having a bi-metal strip (86) capable of detecting the temperature of the liquid and interacting with the said switch (Fig. 3, 9) to move it from a closed position to an open position when a predetermined temperature is reached, wherein the moving contact (101) of the said-switch (Fig. 3, 9) are secured to a free end (102) of the said bi-metal strip (86), the other end of the said bi-metal strip

Art Unit: 3742

(86) being electrically insulated so as to prevent current from passing through it. (column 3, lines 35-38, Insulating blocks serve to retain members 80, 81, 86 in insulated non-contactual relation. Column 3, lines 65-67, it is noted that no current flows through the bimetallic strip 86 but current is confined solely to members 80 and 81).

Davies does not disclose contacts but discloses contact to provide electrical connection between two components, which is same as applicant's purpose. In an electrical art it is know to provide contact by a single contacts or multiple contacts.

With respect to claims 2, Davies discloses the heating element (10) comprises at least one electrical resistance (10) having a first terminal directly connected to a first conductor of a supply cable from the source (L1, L2) of electrical power and a second terminal of electrical resistance (10) connected to a second conductor through the switch (see Figure 9),

With respect to claim 16, Davies discloses means for visually indicating the position of the switch, comprising a lamp (50) connected in parallel to the electrical heating element (110).

7. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies (US2839660).

Hunt discloses an adjustable heater (10) comprising a substantially tubular container (16) within which are housed an electrical heating element (14), a switch (Fig. 1,2) comprising fixed contact (20), and moving contact (10) capable of electrically connecting the said heating element (14) to an outside source of electrical power, a temperature sensor having a bi-metal strip (10) capable of detecting the temperature of the liquid and interacting with the said switch (Fig. 1,2) to move it from a closed position to an open position when a predetermined temperature is reached, wherein the moving contact (10) of the said-switch (Fig. 1,2) are secured to a free end,

Art Unit: 3742

the other end of the said bi-metal strip (10) being electrically insulated so as to prevent current from passing through it (column 4, lines 28-30), the bimetallic (10) may suitably carry a finger (26) of insulating material whereby contacts (20,22) in the power supply circuit to the pins (12) will be broken open upon deflection of bimetal (10).

Hunt does not disclose contacts but discloses contact to provide electrical connection between two components, which is same as applicant's purpose. In an electrical art it is know to provide contact by a single contacts or multiple contacts.

With respect to claims 2, Hunt discloses the heating element (14) comprises at least one electrical resistance (14) having a first terminal directly connected to a first conductor of a supply cable from the source of electrical power and a second terminal of electrical resistance connected to a second conductor through the switch (see Figures).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinod D. Patel whose telephone number is 571-272-4785. The examiner can normally be reached on 7.30 A.M. TO 4.00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 3742

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP

*Vinod Patel* 5/24/05  
Vinod Patel  
Patent Examiner  
Art Unit 3742

*Robin O. Evans*  
ROBIN O. EVANS  
PRIMARY EXAMINER  
5/26/05